

No. 20719

In the
United States Court of Appeals
For the Ninth Circuit

GEORGE R. WILLIAMS, et al.,

Appellants,

vs.

PACIFIC MARITIME ASSOCIATION, a non-
profit corporation, INTERNATIONAL
LONGSHOREMEN'S AND WAREHOUSEMEN'S
UNION, an incorporated association, et
al.,

Appellees.

Appendices to the Brief of
Appellee Pacific Maritime Association

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FEB 7 1967

WM. B. LUCK, CLERK

CONTENTS OF APPENDICES

	Page
Appendix A—Decision of the National Labor Relations Board. <i>Pacific Maritime Association and International Longshoremen's and Warehousemen's Union, Local 10</i> [Johnson Lee], 155 NLRB No. 117.....	1
Appendix B—Order of the Joint Coast Labor Relations Committee (R. 86)	8
Exh. A—Decision of the Joint Port Labor Relations Committee (R. 91a)	16
Exh. B—Telegram (R. 91d).....	16
Exh. C—Minutes of Joint Coast Committee (R. 91e).....	17
Exh. D—Telegram (R. 91g).....	19
Exh. E—Minutes of the Joint Coast Committee (R. 91h).....	20
Exh. F—Statement of Position of PMA (R. 91o).....	21
Violations of the Grievors (R. 91q).....	23
Summary of Standards (1963 rules) (R. 91w).....	29
Exh. G—Letter of Sidney Gordon (R. 91x).....	30

Exhibit A

United States of America Before the National Labor Relations Board

PACIFIC MARITIME ASSOCIATION

and

JOHNSON LEE, An Individual	Case No. 20-CA-2787
JAMES CAGNEY, An Individual	Case No. 20-CA-2788
WILBERT HOWARD, JR., An Individual	Case No. 20-CA-2796
ADRIAN MCPHERSON, An Individual	Case No. 20-CA-2796-2
KENNETH VIERRA, An Individual	Case No. 20-CA-2796-3

INTERNATIONAL LONGSHOREMEN'S AND
WAREHOUSEMEN'S UNION, LOCAL No. 10

and

JOHNSON LEE, An Individual	Case No. 20-CB-1121
JAMES CAGNEY, An Individual	Case No. 20-CB-1122
WILBERT HOWARD, JR., An Individual	Case No. 20-CB-1124
ADRIAN MCPHERSON, An Individual	Case No. 20-CB-1124-2
KENNETH VIERRA, An Individual	Case No. 20-CB-1124-3

DECISION AND ORDER

On May 4, 1965, Trial Examiner Herman Marx issued his Decision in the above-entitled consolidated proceeding, finding that the Respondents had engaged in and were engaging in certain unfair labor practices and recommending that they cease and desist therefrom and take certain affirmative action, as set forth in the attached Trial Examiner's Decision. Thereafter, the Respondents each filed exceptions to the Trial Examiner's Decision and a brief in support thereof; the General Counsel filed cross-exceptions to the Trial Examiner's Decision and a brief in support thereof; and, each of the Respondents also filed answering briefs in response to the General Counsel's cross-exceptions.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor

Relations Board has delegated its powers in connection with this case to a three-member panel.

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Trial Examiner's Decision, the exceptions, cross-exceptions, briefs, and answering briefs, and the entire record in this case,¹ and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner only to the extent consistent herewith.

The essential facts, as more fully set forth by the Trial Examiner, are not materially in dispute. The Respondents, acting through a Joint Port Labor Relations Committee (herein called the Port Committee), jointly maintain and operate a central dispatching hall for the hiring and dispatching of all longshoremen at the Port of San Francisco.²

1. Because in our opinion the entire record, including the exceptions and briefs, adequately set forth the issues and positions of the parties, the Respondents' request for oral argument is hereby denied.

2. Pacific Coast Longshore Agreement, 1961-1966, provides, *inter alia*:

Sec. 8.1 The hiring and dispatching of all longshoremen shall be through halls maintained and operated jointly by the [ILWU and PMA] in accordance with the provisions of Section 17 There shall be one central dispatching hall in each of the ports All expense of the dispatching halls shall be borne one-half by the local union and one-half by the Employers.

Any longshoreman who is not a member of the Union shall be permitted to use the dispatching hall only if he pays his pro rata share of the expenses related [thereto] The amount of these payments and the manner of paying them shall be fixed by the [Port Committee].

Sec. 17.11 The parties shall establish and maintain, during the life of this Agreement, a Joint Port Labor Relations Committee for each Port affected by this Agreement Each of said labor relations committees shall be comprised of three or more representatives designated by the Union and three or more representatives designated by the Employers

In connection therewith, the Respondents also maintain two lists of registered longshoremen at the Port, i.e., fully registered or Class A, and limited registered or Class B, longshoremen.³

Pursuant to applicable contract provisions,⁴ and in order to meet the needs of the industry, the parties agreed early in 1963 to transfer some 400 to 450 of the approximately 530 limited registered longshoremen then on the Class B list to fully registered Class A status and to eliminate the Class B list. Implementing this decision, the Respondents jointly adopted standards to guide their selection of the most qualified men for transfer, based upon the employees' total employment record as Class B registered longshoremen. Thereafter, the Respondents notified all Class B men of the decision to effect transfers, and invited them all to apply therefor. Under the criteria thus established, some 450 men were transferred to the fully registered Class A list, and the approximately 80 men, including the Charging Parties, who failed to satisfy one or more of said standards, were deregistered.

The alleged unfair labor practices involve only one of the qualifications for transfer—the so-called “credit” or

Sec. 17.12 The duties of the Joint Port Labor Relations Committee shall be:

To maintain and operate the dispatching hall. To exercise control of the registered lists of the port, as specified in 8.3

3. Sec. 8.31 of the Agreement provides, *inter alia*:

The [Port Committee] . . . shall exercise control over registered lists in that port, *including the power to make additions to or subtractions from the registered lists as may be necessary.* [Emphasis supplied.]

Sec. 8.41 First preference of employment and dispatch shall be given to fully registered longshoremen A similar second preference shall be so given to limited registered men.

4. See footnote 4, *supra*, Sec. 8.31. Sec. 8.33 provides:

Either party may demand additions to or subtractions from the registered lists as may be necessary to meet the needs of the industry.

“late-payment” standard—adopted by the Respondents.⁵ This standard, which each of the Charging Parties admittedly failed to meet, disqualified all applicants who had been late eight or more times in making their “pro-rata” payments⁶ or, who had been late six or more times and had an otherwise blemished record.

In a recent case dismissing alleged Section 8(b)(2) and 8(a)(3) violations based upon a union rule restricting the rights of a class of unit employees, it was held “. . . that the true purpose or real motivation of the respondent-union, and not auxiliary side effects, constituted the test of lawfulness.”⁷ The principles of that decision are applicable to the facts of this case. In the instant proceeding, the “true purpose or real motivation” of the Respondent Union was meeting the industry’s increasing needs for a greater number of steady, highly qualified, and responsible longshoremen by affording fully registered status to the most qualified of the limited registered longshoremen and abolishing the Class B list. To that end, the Respondents jointly promulgated guides for the selection of the best qualified employees from the lessor priority class for transfer to the greater priority class, which had the incidental or “auxiliary side effect” of causing the deregistration of those who failed to qualify for transfer.

We disagree with the Trial Examiner that the disparate enforcement of the credit standard (i.e., applying it to

5. In view of our findings with respect to the credit standard, it is unnecessary to decide, as did the Trial Examiner, how many of the other standards, which were not alleged herein to be improper, each of the Charging Parties failed to meet. Consequently, we also find it unnecessary to consider and pass upon the merits of the Trial Examiner’s “mixed motive” rationale.

6. See footnote 3, *supra*, Section 8.31 of Longshore Agreement.

7. *Shield Radio & T.V. Productions, Inc.*, 153 NLRB No. 11, at TXD p. 20, and cases cited therein.

Class B and not to Class A registered longshoremen) was unjustified by any considerations relevant to the difference in their status. The two registered lists were, in fact, established with the express purpose of creating different rights and obligations for employees in each category. As the employees' standing within the two classes differed, it is not unreasonable that this difference also be reflected in the qualifications required for registration. Nor must these qualifications be limited to physical standards, for, as in the instant case, the parties, in their broad discretion, may also require character references in order to meet their objective of selecting the most qualified of a group of employees.⁸ In that connection, a person's credit standing, which reflects upon his character, may well be reasonably related to his performance as a responsible employee.

As stated in the *Shield Radio* case, it is not the Board's function to weigh the wisdom of the union's stated objective.⁹ Nor is it the Board's function to substitute its judgment for that of the parties in selecting the yardstick with which to measure a longshoreman's qualifications for admission to fully registered status. The most that the Board can do in that connection is to determine, in light of all surrounding circumstances, whether the asserted objective, or the manner of its accomplishment, was pretextual. In

8. In *Ford Motor Company v. Huffman*, 345 U.S. 330, 338, the Supreme Court stated:

Inevitably differences arise in the manner and degree to which the terms of any negotiated agreement affect individual employees and classes of employees. The mere existence of such differences does not make them invalid. The complete satisfaction of all who are represented is hardly to be expected. A wide range of reasonableness must be allowed a statutory bargaining representative in serving the unit it represents, subject always to complete good faith and honesty of purpose in the exercise of its discretion.

9. *Shield Radio, supra*, at TXD p. 22.

the instant case, no contention of unlawfulness was made with respect to the contract provisions authorizing the establishment and maintenance of lists of registered longshoremen and providing different rights, obligations, and penalties for the employees in each category.¹⁰ Nor was it contended that the Respondents' decision to transfer only qualified, rather than all, Class B men to the A list, and to abolish the B list,¹¹ was unlawful. It was also not contended that the credit standard was discriminatorily applied among the Class B applicants who sought transfer to Class A status,¹² or that the standard was established for an ulterior or pretextual purpose of singling out the Charging Parties for deregistration. In fact, the contrary was conceded on the record, and we so find. Nor can we say that, in light of all surrounding circumstances, the credit standard is so grossly unrelated to the asserted objective as to warrant an implication of pretext.

In view of the above, we find that the Respondents, by adopting and applying the credit standard for the selection

10. Section 17.85 of the Pacific Coast Longshore Agreement specifically provides:

The rules and penalties provided hereinabove shall be applicable to fully registered longshoremen and, except where a more stringent rule or penalty is applicable pursuant to 17.851, to limited registered . . . longshoremen.

Section 17.851 states:

More stringent rules and penalties than those provided hereinabove that are applicable to limited registered longshoremen . . . may be adopted . . . and, . . . that are provided in existing and future local joint working, dispatching, and registration rules and procedures or by mutually agreed practices shall be applicable.

11. We consider as immaterial the fact that the parties subsequently reestablished a list of limited registered longshoremen.

12. The Trial Examiner considered as immaterial, and unnecessary to decide, whether that standard was uniformly enforced among all Class B men. For the reasons set forth, we disagree with that conclusion.

of applicants for fully registered Class A status, did not violate Section 8(b)(1)(A) and 8(a)(1) of the Act. Accordingly, we shall dismiss the complaint in its entirety.

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders that the complaint herein be, and it hereby is, dismissed in its entirety.

Dated, Washington, D. C. Nov. 29, 1965

JOHN H. FANNING, Member

GERALD A. BROWN, Member

SAM ZAGORIA, Member

NATIONAL LABOR RELATIONS BOARD

(SEAL)

Exhibit B**JOINT COAST LABOR
RELATIONS COMMITTEE****DECISION AND ORDER**

Pursuant to notice duly issued, this Committee met on November 20, 1964, to hear the appeals of 44 men from a decision of the San Francisco Joint Port Labor Relations Committee at that Committee's October 19, 1964 meeting. That decision held that there was no § 13 discrimination in regard to the deregistration of these men. A copy of this decision is attached hereto as Exhibit A. The 44 men involved in this decision are:

Rhody Adams	James Lankford
Robert E. Birks	John Leggett
James Carter	Cleo Love
Herman Crawford	Mario Luppi
Edgar Dunlap	Chris Makaila
Donald R. Durkee	Paul May
Roger Fleeton	Anthony Melvin, Jr.
Percy Fountain	Willie Merritt
Oliver Geeter	Donald Nau
Frank Gianninno	Frank Nereu
Ellis Graves	Manuel Nereu
Eathen Gums, Jr.	Willie Palmer
Ulysses Hawkins	LeRoy Provost
Fred Hayes	Louis Richardson
Mack Hebert	Albert Roberts
Conway Hudson	Walter Robinson
Willie Hurst, Jr.	Reginald Saunders
Henry Imperial	John Thylstrup, Jr.
Willie Jenkins, Jr.	Stanley Weir
Charles Johnson	Willie Whitehead
William Jones	George Williams
Melvin Kennedy	Arthur Winters

At its November 20, 1964 meeting, this Committee found that an appeal had been taken under § 17.42 from the JPLRC decisions that there had been no discrimination in

violation of § 13 in the final decisions of the San Francisco JPLRC that each of the 44 men was deregistered for failure to meet the standards. This Committee received a telegram, dated October 2, 1964, from Sidney Gordon, Esq. referring to the October 19 JPLRC decision and to § 17.42, in which the word "appeal" was used. This telegram was sent to this Committee on the last day for appealing from the JPLRC decision with a direction by Mr. Gordon that it be delivered under the door, an indication to this Committee that the telegram was intended to be timely filed as an appeal from the JPLRC decision. A copy of this telegram is attached hereto as Exhibit B. This Committee in Meeting No. 27, held on October 30, 1964, concluded that it was unable to understand Mr. Gordon's October 27, 1964 telegram and ordered that he be advised that this was the case and that, if an appeal was intended, a writing should be filed with this Committee. A copy of this minute of Meeting No. 27 was mailed to Mr. Gordon. A copy of this minute is attached hereto as Exhibit C. Mr. Gordon sent another telegram dated November 5, 1964 to this Committee, supplementing his October 27, 1964 telegram, again referring to § 17.42. A copy of the November 5, 1964 telegram is attached hereto as Exhibit D. This Committee in its Meeting No. 28 held November 5, 1964 expressed some doubt as to the intent and meaning of both these telegrams but construed them as an appeal taken under § 17.42 and ordered a hearing to be held pursuant to § 17.421, on Friday, November 20, 1964. This Committee also in its Meeting No. 28 invited the parties to present written statements of position in advance of the hearing and requested that such statements be submitted on or before noon on November 19, 1964. A copy of this minute was mailed to Mr. Gordon. A copy of this minute of Meeting No. 28 is attached hereto as Exhibit E.

On November 19, 1964 this Committee received a statement of position from Pacific Maritime Association. A copy of this Statement is attached hereto as Exhibit F. This Committee, also on November 19, 1964, received a document dated November 18, 1964, from Mr. Gordon. A copy of this document is attached hereto as Exhibit G. It is possible to interpret this November 18, 1964 document from Mr. Gordon as stating that no appeal from the JPLRC decision on behalf of the men Gordon represents was being taken to this Committee. However, it clearly asks this Committee to cancel the deregistration of these men, and it is therefore equally possible to interpret it as an appeal taken to this Committee.

In any event, this Committee has jurisdiction to review the record taken before the JPLRC as to the deregistration of the above-named individuals and to determine whether their deregistration was in violation of § 13 even if there has been no appeal under § 17.42. This Committee has ultimate control over registration and deregistration of longshoremen and the procedures related thereto. In view of the serious charges made regarding the deregistration of the above-named individuals, this Committee has decided that it should look at the record to determine whether the JPLRC correctly found that there was no violation of § 13 in the deregistration of the above-named men, whether or not an appeal under § 17.42 has been made. Having looked into the record made before the JPLRC, as supplemented by the record made before this Committee on November 20, 1964, this Committee makes the following findings:

In early 1963, it was decided by the ILWU and PMA to increase the number of Class "A" longshoremen in San Francisco. Standards were established through negotiations by the parties to the end that the best Class "B" longshoremen would be advanced to Class "A" registration status.

These standards, adopted and used by the parties in determining whether a Class "B" longshoreman should be advanced to Class "A" registration, had to do with (1) the absence of major contract violations; (2) availability for work; (3) absence of substantial "chiseling" in the reporting of hours at the dispatch hall; (4) absence of repeated violation of the rules requiring monthly payment of pro-rata share of the cost of the operation of the dispatch hall. A summary of these standards is included as a part of Exhibit F. These standards were applied uniformly with no exceptions being made.

More than 450 Class "B" longshoremen were advanced to Class "A" registration status on the basis of having met those standards. Those Class "B" longshoremen who failed to meet the standards were deregistered. The 44 men who have appealed to this Committee were among those who were deregistered for failure to meet the standards.

Each of these 44 men and others filed an application for advancement from Limited Registration (Class B) longshore status to Full Registration (Class A) longshore status. In the application he was asked to answer questions regarding the four standards. Each of the 44 and others was thereafter given notice that he had been deregistered. Thereafter, each of the 44 and others was afforded a hearing. Each man was advised of the facts that indicated his failure or success in meeting the various standards. Each man thereafter was given an opportunity to meet with the JPLRC representatives in order to check the relevant records in detail as to any apparant failure to meet the standards. This was done before a final decision was made by the JPLRC as to his deregistration. In a few cases, not involving any of these 44 men, errors were found and the initial decision of deregistration was reversed on the basis that the review of the facts in the particular case showed

that the standards had actually been met. As to the 44 men presently under consideration, the record affirmatively shows that each of them did in fact fail to meet one or more of the standards that were established to determine who would advance to Full Registration (Class A) and that he was deregistered for this failure. Final decision on the merits of each deregistration was entered by the JPLRC sustaining the deregistration of each of the 44 and others.

Each of the 44 men involved in this appeal thereafter filed a collateral attack on the decision by a grievance asserting that there was a violation of § 13. None of these 44 men appeared at any sessions of the JPLRC hearing on the § 13 grievances. Hearings were set up for the express purpose of permitting the men who had made the allegations of discrimination to attempt to substantiate their charges. However, most of the 44 men did appear at the Unemployment Insurance hearings where they were represented by counsel and where the issues as to discrimination were litigated. At the May hearings of the JPLRC, evidence was taken and, in addition, the record taken at the Unemployment Insurance hearings was made a part of the JPLRC record. The hearings were then recessed so that a summary of the Unemployment Insurance record could be prepared. This was done. The 44 and their counsel were given the opportunity to review this summary and to present additional evidence. Thereafter further hearings were held and testimony was taken at the JPLRC hearing. The record completely rebuts every suggestion of discrimination offered by the 44 men.

At the November 20, 1964 meeting of this Committee, Cleo Love was the only one of the 44 named individuals who appeared and testified. Mr. Love was offered but rejected, the assistance of ILWU counsel to present his grievance. He

was given and availed himself of the opportunity to state his position fully. Mr. Love admitted that he had failed to meet the standards and rather addressed himself to a challenge of the standards themselves.

The only issue before this Committee at this time is whether the deregistration of the 44 men who have appealed to this Committee was violative of § 13 of the Pacific Coast Longshore Agreement. The record shows that the standards were applied equally to all *B* longshoremen. There is no evidence that any individual was advanced to Class "A" registration status who had failed to meet any of the standards that had been established by the parties for such advancement. Additionally, the record is clear that each of the 44 grievors failed to meet one or more of those standards. It is this Committee's finding, therefore, that the record does not support the allegations of discrimination which have been made. Consequently—pursuant to § 17.421 and on the basis of the entire record, including the record taken before the JPLRC and the record taken before this Committee on November 20, 1964—it is the decision of this Committee to confirm the JPLRC's decision made at its October 19, 1964 meeting that there was no § 13 discrimination involved in the deregistration of any of the 44 men.

EXHIBIT A

Before the Joint Port Labor Relations Committee of San Francisco Acting Under the ILWU-PMA Collective Bargaining Contract with Respect to Claims of Discrimination Under Section 13 of the Pacific Coast Longshore Agreement (1961-1966)

DECISION AND ORDER

Pursuant to notice duly issued, this committee held hearings on May 26, 27 and 28 and October 8 and 9, 1964, with respect to grievances of Rhody Adams; Willie Arnold; Robert E. Birks; James Carter; Timothy Carter; Johnny

Cherry; August Costa; Herman Crawford; Edgar Dunlap; Donald R. Durkee; Roger W. Fleeton; Percy Fountain; Oliver Geeter; Frank Gianninno; Ellis E. Graves; James Green; Eathen Gums, Jr.; Ulysses Hawkins; Fred Hayes; Mack Hebert; Wilbert Howard; Conway T. Hudson; Willie Hurst, Jr.; Henry Imperial; Willie Jenkins, Jr.; Charles J. Johnson; Robert M. Johnson; Wm. Jones; Melvin Kennedy; James Lankford; John T. Leggett; Abe Lincoln; Cleo Love; Mario V. Luppi; Chris E. Makaila; Paul May; Anthony Melvin, Jr.; Willie C. Merritt; Donald L. Nau; Frank Nereu; Manuel Nereu; Ralph Newman; Willie D. Palmer; Leroy Provost; Edward Reed; Louis J. Richardson; Albert W. Roberts; Walter L. Robinson; Reginald Saunders; John J. Thylstrup, Jr.; Theo. Tolliver; Stanley Weir; Willie Whitehead; George R. Williams; Arthur G. Winters. Each grievance filed asserted that the committee committed a discriminatory action by deregistering the grievor. [The committee did not receive a grievance from Mr. Newman and makes no finding as to whether or not one was filed by him.] All but two of the grievances received stated:

“Your committee de-registered me on June 17. On July 24, I received your letter denying my hearing appeal. In so doing you consummated an action that is discriminatory. You have not judged all the men involved by the same standards.

I appeal your decision and request another hearing as stipulated, where I will prove and document this discrimination.”

[The two other grievances made substantially similar claims.] Each individual grievor and his counsel (where known) was given notice of all hearings and full opportunity to present evidence and argument with respect to his allegation of discrimination. Detailed evidence was presented as

to the actions taken and the reasons therefor in the course of the deregistration of the individual grievors. The committee has considered all the evidence in the record before it.

The issue here is whether deregistration of any of the grievors was violative of Section 13 of the Pacific Coast Longshore Agreement (1961-1966). The five contentions of the grievors before the California Unemployment Insurance Appeals Board that are set forth in the committee's summary of the UIAB record are unrelated and irrelevant to the issue here.

The committee finds no evidence that the grievors, or any one or more of them, were deregistered as a result of discrimination either in favor of or against any person or persons because of membership or non-membership in the union, activity for or against the union or absence thereof, or race, creed, color, national origin, or religious or political beliefs. (It is this discrimination that is prohibited by Section 13 of the contract.) Each of the grievors was deregistered by the committee as a result of its application of the agreed standards for determining whether men should be advanced to Class "A" registration or should be deregistered. The evidence shows that the committee applied the agreed standards uniformly and fairly in determining whether applicants for Class "A" registration should be advanced or should be deregistered. Accordingly, each of the grievances is without merit and each of them is denied.

It is hereby directed that Mr. Armon Barsamian, on behalf of the committee, immediately give notice to each of the grievors of the decision of the committee set forth herein, and that he include therein the language in paragraph 17.42 of the Pacific Coast Longshore Agreement (1961-1966), which provides the right of appeal from this decision.

There is placed on the agenda for a future regular committee meeting the question of whether the committee will hear Mr. Leonard with respect to his argument that this committee should again independently determine what were the actual facts involved in the cases of Ralph Newman, James Green and Wilbert Howard.

EXHIBIT B

WESTERN UNION
TELEGRAM

647P PST OCT 27 64 OD 416 1964 OCT 27 PM 7 00
SSJ101 O SFB272 LLZ4 LLZ4 RX PD
SAN FRANCISCO CALIF 27 NFT
JOINT COAST LABOR RELATIONS COMMITTEE,
DWR UNDER DOOR IMMY
16 CALIFORNIA ST SFRAN

TO DEFENDANTS PACIFIC MARITIME ASSOCIATION, A NONPROFIT CORPORATION, AND THE INTERNATIONAL LONGSHOREMENS AND WAREHOUSEMENS UNION, A VOLUNTARY UNINCORPORATED ASSOCIATION, AND THE JOINT COAST LABOR RELATIONS COMMITTEE OF SAID DEFENDANTS, AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD RICHARD ERNST AND NORMAN LEONARD WITH REFERENCE TO THE DETERMINATION OF THE LABOR RELATIONS COMMITTEE OF THE PORT OF SAN FRANCISCO DATED OCTOBER 20, 1964, AND WITH REFERENCE TO OPERATION OF SECTION 17.42 OF THE PACIFIC COAST LONGSHORE AGREEMENT IN PREMISES OF THE INSTANT CIVIL LITIGATION AND PROCEEDINGS IN CRIMINAL CONTEMPT AS TO ALL OF WHICH YOU HAVE NOTICE, APPEAL AND DEMAND IS HEREBY MADE THAT ALL OF THE DE-REGISTRATION PROCEEDINGS OF THE PLAINTIFFS DONE BY SAID LABOR RELATIONS COMMITTEE BE FORTHWITH SET ASIDE AND CANCELED AS NULL AND VOID BUT ONLY AS PART OF STIPULATION HEREIN OFFERED. PLAINTIFFS TOWARD THE MITIGATION OF THEIR DAMAGES DO NOW OFFER DEFENDANTS

STIPULATION FOR ORDER OF COURT THAT PLAINTIFFS MOTION TO CANCEL AND ANNUL SAID DEREGISTRATIONS BEFORE SAID COURT BE IN ITS ENTIRETY GRANTED, AND THAT SAID ANNULMENT AND CANCELLATION BY SAID JOINT COMMITTEE BE EMBODIED AND ONLY THEREIN IN SAID OFFERED STIPULATION OR OTHER ORDER OF COURT WITHOUT PREJUDICE TO THE RIGHTS OF PLAINTIFFS UNDER SAID CIVIL AND CRIMINAL PROCEEDINGS

SIDNEY GORDON ATTORNEY FOR PLAINTIFFS 756
SOUTH BROADWAY SUITE 1425 LOS ANGELES

EXHIBIT C

**Minutes of Meeting of the
Coast Labor Relations Committee**

Meeting No. 27

Time: October 30, 1964—2:45 P.M.

Place: 16 California Street, S.F.

Present: *For the Union* *For the Employers*

Messrs. H. Bridges	Messrs. J. Paul St. Sure
H.J. Bodine	B. H. Goodenough
Wm. T. Ward	J. A. Robertson

The Joint Coast Labor Relations Committee has received a telegram dated October 27, 1964, from Sidney Gordon. The Committee is unable to understand it. It refers to Section 17.42 of the Pacific Coast Longshore Agreement, it is addressed to the Joint Coast Labor Relations Committee among others, and it uses the word "appeal." However, it appears to request action other than consideration of an appeal in accordance with the agreement. Thus it asks that action be taken "but only as part of stipulation herein offered." Stipulations with respect to the handling of any court litigation are the affairs of the attorneys involved in the case. This Committee will consider as a Section 17.42

appeal only one that is properly presented to it as an appeal from a decision of the Joint Port Labor Relations Committee and that asks this committee to proceed to consider an appeal in accordance with the agreement.

If the telegram of October 27, 1964, is intended as an appeal under the agreement from decisions of the Joint Port Labor Relations Committee of San Francisco of October 19, 1964, a writing should immediately be filed with the Committee stating that such an appeal has been intended. The nature of the appeal intended and the reasons therefor should be set forth. The persons on whose behalf it is presented should be named.

As the time for filing an appeal with the Committee from a decision of the Joint Port Labor Relations Committee is seven days from the issuance of the Joint Port Labor Relations Committee decision and as it is not clear whether there has been any appeal, statement of intent to appeal and the other material called for herein may be filed with the Joint Coast Labor Relations Committee on or before seven days from the date hereof. Should such statement of intent and additional information not be received within the time specified herein, this Committee will conclude that no appeal from the decision of the San Francisco Joint Port Labor Relations Committee dated October 19, 1964, was intended to have been filed or was filed by the October 27, 1964, telegram.

A copy of these minutes shall be sent to Mr. Gordon as notice of this action.

Adjourned at 3:00 p.m.

Dated: 11/2/64

For the Union

/s/ Harry Bridges

/s/ Wm. T. Ward

Dated: 10/30/64

For the Employers

/s/ J. A. Robertson

EXHIBIT D

WESTERN UNION
TELEGRAM

1964 NOV 6 AM 9 12

0A024 NSA077 0A108

L LLC156 NL PD 2 EXTRA—

LOS ANGELES CALIF NOV 5—

COAST LABOR RELATIONS COMMITTEE—

16 CALIFORNIA ST SFRAN—

PLEASE BE ADVISED THAT MY TELEGRAM SUBJECT OF YOUR COMMUNICATION RECEIVED OCTOBER 31 1964 IN THE CIRCUMSTANCES OF FEDERAL CIVIL CASE 42284 PRESERVES ALL RIGHTS OF MY CLIENTS WHO ARE THE PLAINTIFFS IN SAID ACTION AND OF WHOSE IDENTITY YOU HAVE FULL NOTICE AND ON WHOSE BEHALF MY TELEGRAM PURSUANT TO SECTION 17.42 PROCEEDS ON THE BASIS THAT THE COURT NOW HAS PLENARY JURISDICTION OF THE SUBJECT MATTER OF ANY PROCEEDINGS BY YOU RESPECTING MY CLIENTS, AND THAT AS TO GROUNDS THAT MY CLIENTS WERE DISCRIMINATED AGAINST AMONG OTHER DISCRIMINATIONS BY REASON THAT THE "JPLRC" VIOLATED THE DUE PROCESSES OF THE CONTRACT AND VIOLATED DUE PROCESS OF LAW AND THAT YOU HAVE NO JURISDICTION EXCEPT TO BE BOUND BY AND JOINED WITH THE STIPULATION OFFERED OR BY OTHER ORDER OF COURT—

SIDNEY GORDON ATTORNEY FOR PLAINTIFFS CASE 42284—

EXHIBIT E

Minutes of Meeting of the
Coast Labor Relations Committee

Meeting No. 28

Time: November 5, 1964—2:00 P.M.

Place: 16 California Street, S.F.

Present:	<i>For the Union</i>	<i>For the Employers</i>
	Messrs. Bridges	Messrs. Mork
	Ward	Jones
		Sieck
		Goodenough
		Robertson
		O'Shea
		Richardson
		Barsamian

* * * * *

6—DISCRIMINATION GRIEVANCES OF 44 SAN
FRANCISCO MEN:

The Committee has today received a telegram dated November 5, 1964, from Sidney Gordon supplementing the one dated October 27, 1964. While it has some doubt as to the intent and meaning of these telegrams, the Committee now construes these telegrams as an appeal taken under Section 17.42. Accordingly, the Committee has determined that a hearing should be held pursuant to Section 17.421. The hearing will be held in Room 811, 16 California Street, beginning at 10:00 a.m. on Friday, November 20, 1964.

The Committee invites the parties to present written statements of position or briefs in advance of the hearing to aid the Committee in its decision. Any such statements or briefs should be submitted at 16 California Street, San Francisco, on or before noon on November 19, 1964, with a copy being furnished to counsel for the other parties.

* * * * *

Meeting adjourned at 4:45 P.M.

Signed: 12/1/64

For the Union

/s/ Wm. T. Ward

/s/ Harry Bridges

Signed: 11/30/64

For the Employers

/s/ J. A. Robertson

EXHIBIT F

Statement of Position of Pacific Maritime Association to the Joint Coast Labor Relations Committee Re 44 Grievors Charging Violation of Section 13.

BACKGROUND

Grievors were probationary longshoremen in the San Francisco area employed under the collective bargaining agreement between Pacific Maritime Association (PMA) and International Longshoremen's and Warehousemen's Union (ILWU). They were among a group of 743 probationary men given Class "B" seniority status in the summer of 1959. This group had been reduced to 561 by approximately February 1, 1963, at which time it was decided to advance Class "B" longshoremen who met certain standards to full registration with Class "A" seniority. During the spring of 1963, PMA and ILWU found that 467 of the 561 met the standards therefor and were so advanced. The grievors who have appealed their cases to the Joint Coast Labor Relations Committee (JCLRC) are 44 of the remaining 94 probationary longshoremen who failed to meet those standards and who were deregistered for this reason during the first half of 1963.

The contract seniority provisions called for review of the entire employment record of the Class "B" men in determining which of them would be advanced to full registration with Class "A" seniority status. The committee

gathered relevant facts and each record was judged on uniform standards. These standards denied advancement to any Class "B" seniority man (1) who had committed major contract violations, (2) who had been absent from work too often, (3) who had made substantial errors in his own favor in the honor system through which work was distributed at the dispatch hall, or (4) who had frequently violated the employment rules requiring each registered man to pay monthly his pro rata share of the employes' cost of the dispatch hall, etc. These standards were applied uniformly and no exceptions were made.

Each of the grievors filed a grievance after he was notified that he had not met the standards to be advanced to Class "A" seniority. In each case, after hearing, a final decision was entered in the grievance-arbitration procedure, holding that the facts were that the grievor had not met the standards. The collective bargaining contract permits a collateral attack on such a decision by a further § 13 discrimination grievance before the Joint Port Labor Relations Committee (JPLRC).

Each grievor filed a § 13 grievance. The discrimination issues were thereafter litigated in detail before the unemployment insurance referee. This record was made a part of the JPLRC record. Full opportunity to supplement or contradict this record was given all grievors. The record shows that the standards applied, which are set out in the attached "Summary of Standards," were properly adopted, are simple and clear, and were uniformly applied by the JPLRC. The decision of the JPLRC held there was no § 13 discrimination involved and gave notice to each of the grievors of his right of appeal to the JCLRC.

The JCLRC has construed two telegrams from Mr. Sidney Gordon, Esq., as an appeal taken under Section

17.42 of the Pacific Coast Longshore Agreement (1961-1966) on behalf of the individual grievors who are represented by Mr. Gordon. The names of those individuals are as follows, together with an itemization of specific facts before the local committee.

Grievors	Facts
1. Rhody Adams	3 late pro-rata payments, 44 ½ hours LMO violation.
2. Robert E. Birks	12 late pro-rata payments, 9 hours LMO violation, 1 probation—poor availability.
3. James U. Carter	13 late pro-rata payments, 7-½ hours LMO violations.
4. Herman Crawford	10 late pro-rata payments, 7 hours LMO violation, 1 probation—poor availability, 1 reprimand.
5. Edgar J. Dunlap	12 late pro-rata payments.
6. Donald R. Durkee	10 late pro-rata payments, 1 15-day suspension—walked off job. 1 30-day suspension—walked off job. 1 30-day suspension—Intoxication.
7. Roger W. Fleton	1 reprimand—refused to work as directed. 25 hours LMO violation.
8. Percy Fountain	42-½ hours LMO violation.
9. Oliver Geeter	9 late pro-rata payments, 8 rule 3's LMO violation, 1 30-day suspension—refused to work as directed.
10. Frank Gianninno	10 late pro-rata payments, 16 hours LMO violations, 1 reprimand—refused to work as directed.

Grievors	Facts
11. Ellis E. Graves	4 late pro-rata payments 1 30-day suspension—intoxication.
12. Eathen Gums, Jr.	10 late pro-rata payments, 1 probation—poor availability.
13. Ulysses Hawkins	9 late pro-rata payments.
14. Fred Hayes	5 late pro-rata payments, 18 hours LMO violation.
15. Mack Hebert	3 late pro-rata payments, 18 hours LMO violations, 7 rule 3's LMO 1 reprimand—Refused to work as directed.
16. Conway T. Hudson	14 late pro-rata payments, 9 hours and 10 rule 3's LMO viola- tions, 1 probation—poor availability.
17. Willie J. Hurst, Jr.	4 late pro-rata payments, 1 probation—poor availability, 1 15 day suspension—Refused to work as directed. 1 30-day suspension—Intoxication.
18. Henry E. Imperial	16 late pro-rata payments, 6 ½ hours LMO violation, 1 probation—poor availability.
19. Willie Jenkins, Jr.	16 late pro-rata payments, 1 hour LMO violation, 1 probation—poor availability.
20. Charles J. Johnson	12 late pro-rata payments, 14 hours and 15 rule 3's LMO violations, 1 reprimand—Walked off job.
21. William Jones	15 late pro-rata payments.
22. Melvin Kennedy	9 late pro-rata payments, 32 ½ hours LMO violation

Grievors	Facts
23. James W. Lankford	2 late pro-rata payments, 34 1/2 hours LMO violation.
24. John T. Leggett	15 late pro-rata payments, 4 hours and 15 rule 3's LMO viola- tions. 1 probation—poor availability.
25. Cleo Love	12 late pro-rata payments, 8 hours LMO violation, 2 rule 3's LMO.
26. Mario V. Luppi	10 late pro-rata payments, 7 hours and 3 rule 3's LMO viola- tions.
27. Chris E. Makaila	7 rule 3's LMO violation, 1 probation—poor availability, 1 30-day suspension—Intoxication.
28. Paul May	7 late pro-rata payments, 1 15-day suspension—Refusal to work as directed. 1 30-day suspension—Intoxication.
29. Anthony Melvin, Jr.	12 hours LMO violation.
30. Willie C. Merritt	29 late pro-rata payments.
31. Donald L. Nau	4 late pro-rata payments, 28 hours LMO violation.
32. Frank Nereu	3 late pro-rata payments, 26 hours LMO violation
33. Manuel Nereu, Jr.	50 hours LMO violations.
34. Willie D. Palmer	9 late pro-rata payments, 5-1/2 hours and 10 rule 3's LMO violations.
35. LeRoy J. Provost	3 late pro-rata payments, 22 hours LMO violation.
36. Louis J. Richardson	16 late pro-rata payments, 3-1/2 hours and 7 rule 3's LMO vio- lations, 1 7-day suspension—Refusing to work as directed.

Grievors	Facts
37. Albert W. Roberts	12 late pro-rata payments, 15-1/2 hours LMO violation, 1 probation—poor availability, 1 7-day suspension—Walked off job.
38. Walter L. Robinson	27-1/2 hours LMO violation, 1 late pro-rata payment.
39. Reginald W. Saunders	20 late pro-rata payments, 1-1/2 hours LMO violation.
40. John J. Thylstrup, Jr.	1 late pro-rata payment, 13-3/4 hours LMO violation 8 rule 3's LMO
41. Stanley L. Weir	22-1/2 hours LMO violation.
42. Willie J. Whitehead	9 late pro-rata payments, 23-1/4 hours LMO violation, 1 probation—poor availability, 1 reprimand—unauthorized and extended relief.
43. George R. Williams	44 hours LMO violation, 4 late pro-rata payments.
44. Arthur G. Winters	12 late pro-rata payments, 4-1/2 hours LMO violation.

These facts before the committee show that each of the 44 failed to meet one or more of the standards.

ISSUE

The sole issue before the JCLRC in this matter is whether or not Section 13 was violated in the deregistration of the grievors who have appealed their grievances to the JCLRC. Section 13 reads as follows:

“There shall be no discrimination in connection with any action subject to the terms of this Agreement either in favor of or against any person because of membership or nonmembership in the Union, activity

for or against the Union or absence thereof, or race, creed, color, national origin or religious or political beliefs.”

ARGUMENT

This appeal is from the decision and order of the JPLRC denying the above individuals' § 13 discrimination grievances as being without merit. The crucial language of the JPLRC reads:

“The committee finds no evidence that the grievors or any one or more of them were deregistered as a result of discrimination either in favor of or against any person or persons because of membership or non-membership in the Union, activity for or against the Union or absence thereof, or race, creed, color, origin, national or political beliefs (it is this discrimination that is prohibited by Section 13 of the Agreement).”

The JPLRC found that each of the grievors was deregistered as a result of the application of the standards agreed upon by the parties for determining whether men should be advanced to Class “A” registration or deregistered. It also found that these standards were applied uniformly and fairly in determining whether applicants for Class “A” registration should be advanced or should be deregistered.

It is the position of PMA that the decision and order of the JPLRC is not only appropriate, it is the only possible decision the JPLRC could have reached upon the evidence presented to it. To determine whether an individual should have been deregistered or advanced to Class “A” status, one has only to look at the standards used and to correlate those standards with the records of the individuals involved. This correlation clearly establishes that each of the grievors in this case failed to meet one or more of the standards and it was for that reason and that reason alone that each of them was deregistered. Furthermore, there is no evi-

dence that any individual who was advanced to Class "A" status had failed to meet any of these standards. Thus, it is clear that there was no discrimination in the application of the standards to the records of any of the 561 individuals who were either promoted to Class "A" status or deregistered.

It is to be noted that not one of the above-named individuals who has appealed to the JCLRC made an appearance before the JPLRC to attempt to establish discrimination within the meaning of Section 13 of the Agreement. Each had been given a full opportunity to do so during the unemployment insurance hearings, which consumed most of the time between the filing of the charges of discrimination and the opening of formal hearings before the local committee itself. The extensive record taken before the Unemployment Insurance Appeals Board by all, or almost all, of these grievors was incorporated in the committee's record and then summarized by the committee. This summary was made available to each of the grievors so that he could meet or supplement or amend this evidence. In addition, the testimony at the JPLRC hearing fully refutes all allegations of discrimination made in the record before the Unemployment Insurance Appeals Board. This testimony that no discrimination within the meaning of Section 13 of the Pacific Coast Longshore Agreement existed or was practiced in the deregistration of any of the individuals who was deregistered from his "B" registration status stands unchallenged in the record before the JPLRC.

CONCLUSION

The parties established standards to determine who should be advanced to Class "A" registration status and who should be deregistered. These standards were applied

to the grievors in this case as well as to all others. The application of these standards to these grievors resulted in their deregistration because they had failed to meet them. These facts not only constitute a complete negation of discrimination, they fully support the fact of non-discrimination. Consequently, we submit that the JCLRC must reject the appeals of the above-named individuals as being completely devoid of merit.

SUMMARY OF STANDARDS

The following is a summary of the standards adopted and used by the Joint Port Labor Relations Committee in determining whether Class "B" longshoremen should be advanced to Class "A" registration:

1. Any Class "B" longshoremen found to have 10 or more hours of Low Man Out violations shall be considered ineligible for advancement to Class "A" registration.

2. Any Class "B" longshoreman found to have been late in the payment of his pro-rata eight or more times (or six or more times with an otherwise blemished record) shall be considered ineligible for advancement to Class "A" registration.

3. Any Class "B" longshoreman found to have failed to meet the 70% availability requirement for any 30-day period shall be considered ineligible for advancement to Class "A" registration.

4. Any Class "B" longshoreman who has been the subject of one or more employer complaints for intoxication or pilferage that the Joint Port Committee has sustained shall be considered ineligible for advancement to Class "A" registration.

5. The standards shall be applied uniformly and no exceptions shall be made.

EXHIBIT G

Sidney Gordon [Letterhead]

November 18, 1964

Richard Ernst, Esq.
16 California Street
San Francisco, California

Norman Leonard, Esq.
240 Montgomery Street
San Francisco, California

Gentlemen:

The within is in response to your communication to my clients dated November 5, 1964, entitled "Meeting No. 28." You construe my telegrams of October 27, 1964 and November 5, 1964 as an appeal taken under Section 17.42. Be again advised, however, that the communications are, specifically, an offer of Stipulation in the subject Action Number 42284, and with the grounds and basis spelled out in the subject telegrams.

The communications by me grow out of the fact that the Coast Labor Relations Committee, which is an instrumentality of the defendants sued herein, and which is comprised, in part, of those defendants sued as individuals in said Action, has, I am sure, upon the knowledge and corresponding advice of its Attorneys of Record, purported to hold itself open to entertain a consideration, which should be binding upon it in the subject Action, of the position of my clients relative to the matter of their deregistrations.

In response, therefore, Stipulation was proffered through counsel for defendants, copy to said Committee, intended to mitigate the damages of my clients by defendants in the subject Action.

That offer of Stipulation was for the forthwith entry by the Court of the Order prayed in that Motion filed by plaintiffs for annulment of their deregistrations.

This Stipulation has not been accepted. Instead, two communications, one from counsel for Pacific Maritime Association, and another, dated October 30, 1964, affect "not to understand." Finally, as shown by the Minutes of the Joint Committee dated November 5, 1964, the Committee now undertakes to consider the cases of my clients.

However, the following circumstances obtain:

First. My clients were deregistered while in violation of no published rule which constitutes cause for deregistration.

Second. My clients received "hearings" following the 1963 deregistrations under provisions of the 1958 Memorandum which are void for want of due process, as is more particularly set forth in the complaints filed by plaintiffs in the subject Action.

Third. My clients, in that the same could not be done in light of the fact that they were guilty of no cause for deregistration, were never furnished written particulars of any such cause as required by said Memorandum, and have never been so furnished said particulars either during or following their "hearings" in July of 1963, and the failure to present the same, causes their "deregistrations" and all of the proceedings held by the Joint Port Labor Relations Committee with respect thereto, to be invalid.

Fourth. It is an implied-in-fact condition of the collective bargaining agreement, and of the rules thereunder, that appeal shall be granted within a reasonable time. I am sure that counsel, as well as their clients on the Coast Committee, are familiar with the axiom that Justice Delayed is Justice Denied.

Fifth. The delay of any hearing on the appeals dated July 27, 1963, until following commencement of the instant Action, and until May 26, 1964, almost one year later, on each of said grounds, outsted the Joint Port Labor Relations Committee of any jurisdiction it otherwise might have had. Further, said May, 1964 "hearings" proceeded in criminal contempt of Court.* The Coast Labor Relations Committee, therefore, has no jurisdiction except to act, as part of Stipulation in the within Action, to mitigate damages by binding defendants through their Attorneys of Record, to the Stipulation offered, or proceeding under other Order of Court.

Sixth. The Joint Committee is composed of parties defendant, who are possessed of a personal and pecuniary interest, adverse to that of my clients, and, on the ground of bias, is disqualified from doing other than joining in

*The references in the above communication to some claim of criminal contempt of court is a reference to papers filed in federal court by Mr. Gordon for appellants and other plaintiffs. These proceedings are not outlined in footnote 8 to the body of this brief. When the May, 1964 grievance hearings were in progress, appellants' attorney obtained an ex parte temporary restraining order from Judge Burke without satisfying local court rules. The grievance hearings were continued to permit an appearance before Judge Burke. At this time PMA sought to have the order set aside so that the grievance hearings could continue. Counsel explained to Judge Burke what was taking place in the grievance hearings. Judge Burke stated on the record in the hearing that the actual proceedings followed were not in violation of his order, and on this ground suggested that PMA postpone, until the return date on his order, its motion to set it aside. This suggestion was accepted. When the matter came regularly on for hearing it was set before Judge Wollenberg. He refused to continue the order in effect.

Thereafter, appellants sought to litigate a claim of criminal contempt in *United States of America ex rel. George R. Williams, et al. v. Pacific Maritime Association, et al.*, Cr. Misc. 9085. When no relief was obtained in the district court, appellants filed a notice of appeal to the United States Supreme Court. As is to be expected in the events summarized above, the claim of contempt of court has never been given any cognizance.

Stipulation to cancel said deregistrations, or barring itself as a body in the matter.

Seventh. The deregistrations of plaintiffs, according to the testimony of John Trupp at the Unemployment Hearings, SF Case No. 3033, of which defendants, as the moving actors, are aware, as matters within their peculiar knowledge, proceeded through the Joint Port Labor Relations Committee under oral fiat of said Coast Committee, and said Coast Committee, as persons who have manifested a fixed and predetermined intent to accomplish and uphold the deregistrations of my clients, are, by reason of their intent, without jurisdiction to do otherwise than to mitigate damages against them through proper joinder with the Stipulation offered.

Eighth. My clients are not obliged, subsequent to the commencement of the instant Action, to be remitted to those internal remedies which, even in form, should have been available within a reasonable time, as is above set forth at Point Fourth, further, in that the proceedings, so-called of the Joint Port Labor Relations Committee were, on the grounds which have above been shown, utterly invalid, and the jurisdiction of the Coast Committee under the contract is purely appellate, it is without any jurisdiction of the grievances involved, under the present facts, except to determine its own want of jurisdiction, as part of the Stipulation offered, and through its Attorneys of Record, and in the process of that want of jurisdiction on its part, so determined, to, accordingly, have stricken the said deregistrations, and all of the acts pursuant thereto, sought to be effected by the Joint Port Labor Relations Committee.

All of the foregoing matters, including all matters which were adduced by the evidence at the Unemployment Hearings and upon which, the Joint Port Labor Relations Com-

mittee affected to finally set "hearings" in May of 1964, following commencement of the instant Action, are matters which have been, since the outset, the special and peculiar knowledge of the Coast Committee itself, and any purported present, and late, consideration of the "merits" is, it is the position of plaintiffs, a sham and a fraud, and substantiates the claims of plaintiffs in the instant Action that the appellate processes of the contract, as to limited registration longshoremen, are coercively and discriminatorily applied, toward illegal objects, in violation of said contract, in concert between defendants Pacific Maritime Association and the individual defendants therein sued.

Accordingly, in the premises of the plenary present jurisdiction of the Court, and the want of jurisdiction on the part of said Joint Coast Committee, upon the communication that it would, in accordance with said agreement, act to bind itself following the last, invalid action of the Joint Port Labor Relations Committee, the subject Stipulation was proffered to enable said Committee to function to mitigate its damages by convening pursuant to Section 17.42 of the agreement, and at the same time binding itself, through its Attorneys of Record to Order for the forthwith cancellation of the deregistrations of plaintiffs.

The forthwith said cancellation by communications of its Attorneys of Record and the joining therewith in said Stipulation by defendants, precedent to obtain said binding Order of Court, is the only business with respect to this part of the subject matter of the said Action, which the said Coast Committee, in the circumstances, has any jurisdiction whatsoever to transact, and this letter constitutes nothing other than demand that the same be done forthwith.

Plaintiffs are entitled to immediate cancellation of said deregistrations and in the event that the Stipulation offered is not forthwith accepted, the said Motion before the Court will be reset, so that, in no event, are plaintiffs going to be delayed, by any purported "deliberations" on the part of the said Committee, which has for itself to take but the one said avenue of the offered Stipulation or other Court Order.

Very truly yours,

SIDNEY GORDON

Sidney Gordon

SG/rs

cc: Joint Coast Labor Relations Committee
16 California Street
San Francisco, California

